

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**DAVID LAVIN,**

**Plaintiff,**

**v.**

**SECTIGO, INC.,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO: 1:23-cv-00503-RP**

**JOINT MOTION FOR CONTINUANCE AND  
TO MODIFY AGREED SCHEDULING ORDER**

Pursuant to Local Rule CV-16, Plaintiff David Lavin (“Plaintiff”) and Defendant Sectigo, Inc. (“Defendant”) (collectively, the “Parties”) in this case respectfully ask this Court to modify the current scheduling order and in support respectfully show as follows:

1. On May 5, 2023, Plaintiff filed the above action. (ECF No. 1). Following the Parties’ conferral, the Court’s order dated October 30, 2023 (ECF No. 11) established the following schedule to govern the applicable deadlines:

|                                                             |                   |
|-------------------------------------------------------------|-------------------|
| Alternative dispute resolution report re: Local Rule CV-88  | June 21, 2024     |
| Parties asserting relief submit written offer of settlement | June 21, 2024     |
| Opposing party’s response to written offers of settlement   | June 28, 2024     |
| Deadline to complete discovery                              | June 14, 2024     |
| Deadline to file dispositive motions                        | July 12, 2024     |
| Date of non-jury trial setting                              | November 12, 2024 |

2. From the outset, the Parties have diligently worked this case by propounding written discovery and engaging in a thorough document production exercise. The Parties are likewise working through issues so they can adequately prepare for and take the necessary

depositions. Each of the parties, however, have faced health-related issues that have required additional time.

3. As discovery has evolved, the Parties have also each determined it made most sense from legal, practical, and judicial efficiency ground to accelerate the mediation timeline for a resolution of their issues. For these reasons, good cause exists for the Court to modify select dates in the uniform scheduling order by 60 days.

4. This motion is not presented for purposes of delay, but rather so justice may best be served.

5. Based on the foregoing, the Parties respectfully request this Court modify the uniform scheduling order in this case as follows:

|                                                             |                    |
|-------------------------------------------------------------|--------------------|
| Alternative dispute resolution report re: Local Rule CV-88  | August 20, 2024    |
| Parties asserting relief submit written offer of settlement | August 20, 2024    |
| Opposing party's response to written offers of settlement   | August 27, 2024    |
| Deadline to complete discovery                              | August 13, 2024    |
| Deadline to file dispositive motions                        | September 10, 2024 |
| Date of non-jury trial setting                              | January 11, 2025   |

6. A copy of the proposed order extending these deadlines is attached hereto. The Parties request the Court modify all remaining dates in the uniform scheduling order according to Federal Rules of Civil Procedure accounting for the changed trial date, although the parties reserve their right to request a further continuance of those dates in the future if necessary.

Dated: May 20, 2024

/s/ Mark D. Downey

**D LAW GROUP/MARK D DOWNEY  
PLLC**

**Mark D. Downey**

State Bar No. 00793637

mdowney@dlawgroup.com

5308 Ashbrook

Houston, Texas 77081

214-764-7279

**ATTORNEYS FOR PLAINTIFF**

**DAVID LAVIN**

/s/ Artoush Varshosaz

**K&L GATES LLP**

**Artoush Varshosaz**

State Bar No. 24066234

artoush.varshosaz@klgates.com

**Brent D. Hockaday**

State Bar No. 24071295

brent.hockaday@klgates.com

1717 Main Street, Suite 2800

Dallas, Texas 75201

214-939-5500

214-939-5849 (fax)

**Gregory T. Lewis**

State Bar No. 24126111

greg.lewis@klgates.com

K&L Gates LLP

2801 Via Fortuna, Suite 650

Austin, Texas 78746

512-482-6800

512-482-6859 (fax)

**ATTORNEYS FOR DEFENDANT**

**SECTIGO, INC.**

**CERTIFICATE OF CONFERENCE**

I hereby certify that a reasonable effort has been made to resolve the matters presented in this Joint Motion for Continuance and to Modify Scheduling Order without the necessity of Court intervention. All parties agree with the relief requested in this Motion and therefore, the Motion is being filed jointly.

/s/ Gregory T. Lewis

Gregory T. Lewis

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via electronic mail to all counsel of record for this case on the 20th day of May 2024.

By: /s/ Gregory T. Lewis